

[118H4440]

.....  
(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To protect children from oppressive child labor and unsafe workplaces, and  
for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To protect children from oppressive child labor and unsafe  
workplaces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Children  
5       Act”.

6       **SEC. 2. TABLE OF CONTENTS.**

7       The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. Effective date.

## TITLE I—IMPROVING ENFORCEMENT

- Sec. 101. Adjusting civil monetary penalties.
- Sec. 102. Enhancing criminal penalties.
- Sec. 103. Expanding use of hot goods injunctions.
- Sec. 104. Enabling private enforcement.

## TITLE II—STRENGTHENING CAPACITY TO PROTECT CHILDREN

- Sec. 201. Increasing expertise for protecting children from unsafe employment and oppressive child labor.
- Sec. 202. Supporting implementation and interagency collaboration.

## TITLE III—UPDATING STANDARDS TO PROTECT CHILDREN

- Sec. 301. Improving process for updating standards on conditions of oppressive child labor.
- Sec. 302. Judicial review of rulemaking.

## TITLE IV—INCREASING RESEARCH AND PUBLIC EDUCATION

- Sec. 401. Coordinating research on child labor.
- Sec. 402. Developing a comprehensive statistical program.
- Sec. 403. Enabling training and public engagement.

**1 SEC. 3. EFFECTIVE DATE.**

2       This Act, and the amendments made by this Act,  
3 shall take effect on the date that is 60 days after the date  
4 of enactment of this Act.

5                   **TITLE I—IMPROVING**  
6                   **ENFORCEMENT**

**7 SEC. 101. ADJUSTING CIVIL MONETARY PENALTIES.**

8       (a) OPPRESSIVE CHILD LABOR.—Section 16(e) of  
9 the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e))  
10 is amended—

11               (1) in paragraph (1)(A)—

12                       (A) by striking “not to exceed—” and in-  
13 serting “as follows:”;

14                       (B) by moving the margins for clauses (i)  
15 and (ii) 4 ems to the left;

1 (C) in clause (i)—

2 (i) by striking “\$11,000” and insert-  
3 ing “Not more than \$150,000 but not less  
4 than \$1,500”; and

5 (ii) by striking “violation; or” and in-  
6 serting “violation, which penalty may be  
7 doubled where the violation is a repeated  
8 or willful violation.”; and

9 (D) in clause (ii), by striking “\$50,000”  
10 and inserting “Not more than \$700,000 but not  
11 less than \$7,000”; and

12 (2) in paragraph (3), by striking “charged and”  
13 and inserting “charged, the economic benefit of non-  
14 compliance, and”.

15 (b) UNSAFE WORKING CONDITIONS.—

16 (1) STRUCTURE AND HEADERS.—Section 17 of  
17 the Occupational Safety and Health Act of 1970 (29  
18 U.S.C. 666) is amended—

19 (A) in subsection (a), by striking “Any”  
20 and inserting the following:

21 “CIVIL PENALTIES.—

22 “(1) BASE PENALTIES.—

23 “(A) Any”;

24 (B) by redesignating subsection (b) as sub-  
25 section (a)(1)(B);

1 (C) by redesignating subsection (d) as sub-  
2 section (a)(1)(C);

3 (D) by redesignating subsection (e) as sub-  
4 section (a)(1)(D);

5 (E) by redesignating subsection (i) as sub-  
6 section (a)(1)(E);

7 (F) in subsection (f), by striking “Any”  
8 and inserting the following:

9 “CRIMINAL PENALTIES.—

10 “(1) Any”;

11 (G) by redesignating subsection (f), as so  
12 amended, as subsection (b);

13 (H) by redesignating subsections (g), (h),  
14 and (e) as subsections (b)(2), (b)(3), and (b)(4)  
15 respectively; and

16 (I) by redesignating subsections (j), (k),  
17 and (l) as subsections (c), (d), and (e) respec-  
18 tively.

19 (2) PENALTY AMOUNTS.—Section 17(a)(1) of  
20 the Occupational Safety and Health Act of 1970, as  
21 amended by paragraph (1), is further amended—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) by striking “\$70,000” and in-  
25 serting “\$700,000”;

1 (II) by striking “\$5,000” and in-  
2 serting “\$50,000”; and

3 (III) by striking the word “will-  
4 ful”;

5 (ii) in subparagraph (B), by striking  
6 “\$7,000” and inserting “\$70,000, but not  
7 less than \$7,000,”; and

8 (iii) in subparagraph (C), by striking  
9 “\$7,000” and inserting “\$70,000, but not  
10 less than \$7,000,”; and

11 (B) by adding at the end the following:

12 “(2) ENHANCEMENTS.—

13 “(A) YOUNG WORKERS.—If any significant  
14 violation caused or contributed to serious phys-  
15 ical harm to an employee under 18 years of  
16 age, the minimum and maximum civil penalty  
17 otherwise allowed by paragraph (1) shall be  
18 doubled for each such violation.

19 “(B) FATALITIES.—If any significant vio-  
20 lation caused or contributed to the death of an  
21 employee—

22 “(i) the minimum and maximum civil  
23 penalty otherwise allowed by paragraph (1)  
24 shall be doubled for each such violation;  
25 and

1 “(ii) in a case in which such employee  
2 was under 18 years of age, such civil pen-  
3 alty shall be trebled for each such viola-  
4 tion.”.

5 (3) CONSIDERATIONS FOR PENALTY LEVELS.—  
6 Section 17(c) of the Occupational Safety and Health  
7 Act of 1970, as redesignated by paragraph (1), is  
8 further amended—

9 (A) by striking the first word and inserting  
10 “ASSESSMENT OF PENALTIES.—The”; and

11 (B) by striking “and the history” and in-  
12 serting “the economic benefit of noncompliance,  
13 and the history”.

14 (4) DEFINITION.—Section 17(d) of the Occupa-  
15 tional Safety and Health Act of 1970, as redesign-  
16 nated by paragraph (1), is further amended—

17 (A) by striking “For purposes of this sec-  
18 tion, the” and inserting the following:

19 “DEFINITIONS.—For purposes of this section—

20 “(1) SERIOUS.—The”; and

21 (B) by adding at the end the following:

22 “(2) SIGNIFICANT.—The term ‘significant viola-  
23 tion’ means—

24 “(A) a serious, willful, or repeated viola-  
25 tion;

1 “(B) a failure to correct, as described in  
2 paragraph (1)(C), where the underlying viola-  
3 tion was a serious, willful, or repeated viola-  
4 tion.”.

5 **SEC. 102. ENHANCING CRIMINAL PENALTIES.**

6 (a) OPPRESSIVE CHILD LABOR.—Section 16(a) of  
7 the Fair Labor Standards Act (29 U.S.C. 216(a)) is  
8 amended—

9 (1) by striking the first word and inserting the  
10 following:

11 “CRIMINAL PENALTIES.—

12 “(1) IN GENERAL.—Except as provided in para-  
13 graph 2, any”;

14 (2) by striking the word “subsection” each  
15 place it appears and inserting the word “para-  
16 graph”; and

17 (3) by adding at the end the following:

18 “(2) OPPRESSIVE CHILD LABOR.—

19 “(A) NEGLIGENCE WITH RESPECT TO A  
20 CHILD.—Any person who knowingly or willfully  
21 violates section 15(a)(4) of this Act and thereby  
22 negligently places an employee employed in vio-  
23 lation of such section in imminent danger of  
24 death or serious bodily injury shall be punished  
25 by a fine under title 18, United States Code, or

1 by imprisonment for not more than 1 year, or  
2 both. If a conviction of any person under this  
3 subparagraph is for a violation committed after  
4 a first conviction of such person under this  
5 paragraph, the maximum punishment shall be  
6 doubled with respect to both the fine and im-  
7 prisonment.

8 “(B) KNOWING VIOLATION WITH RESPECT  
9 TO A CHILD.—Any person who knowingly or  
10 willfully violates section 15(a)(4) of this Act  
11 and thereby knowingly places an employee em-  
12 ployed in violation of such section in imminent  
13 danger of death or serious bodily injury shall be  
14 punished by a fine under title 18, United States  
15 Code, or by imprisonment of not more than 15  
16 years, or both. Any person, other than an indi-  
17 vidual, committing such violation shall, upon  
18 conviction under this subparagraph, be subject  
19 to a fine of not more than \$5,000,000 for each  
20 violation. If a conviction of any person under  
21 this subparagraph is for a violation committed  
22 after a first conviction of such person under  
23 this paragraph, the maximum punishment shall  
24 be doubled with respect to both the fine and im-  
25 prisonment.



1                   “(C) CAUSE OF DEATH TO A CHILD.—Any  
2                   person who knowingly or willfully violates sec-  
3                   tion 15(a)(4) of this Act and thereby knowingly  
4                   places an employee employed in violation of  
5                   such section in imminent danger of death or se-  
6                   rious bodily injury, and such violation results in  
7                   the death of a child, shall be punished by a fine  
8                   under title 18, United States Code, and impris-  
9                   onment for any term of years or for life. Any  
10                  person, other than an individual, committing  
11                  such violation shall, upon conviction under this  
12                  subparagraph, be subject to a fine of not more  
13                  than \$10,000,000 for each violation. If a con-  
14                  viction of any person under this subparagraph  
15                  is for a violation committed after a first convic-  
16                  tion of such person under this paragraph, the  
17                  maximum punishment shall be doubled with re-  
18                  spect to both the fine and imprisonment.”.

19                  (b) UNSAFE WORKING CONDITIONS.—Section 17(b)  
20                  of the Occupational Safety and Health Act of 1970 (29  
21                  U.S.C. 666(b)), as so amended and redesignated by this  
22                  Act, is further amended—

23                         (1) in paragraph (1), by striking “of not more”  
24                         and all that follows and inserting “under title 18,  
25                         imprisonment for not more than 5 years, or both. If

1 a conviction of any person under this paragraph is  
2 for a violation committed after a first conviction of  
3 such person under this paragraph, the maximum  
4 punishment shall be doubled with respect to both the  
5 fine and imprisonment.”;

6 (2) in paragraph (2), by striking “of not more”  
7 and all that follows and inserting “under title 18,  
8 imprisonment for not more than 5 years, or both. If  
9 a conviction of any person under this paragraph is  
10 for a violation committed after a first conviction of  
11 such person under this paragraph, the maximum  
12 punishment shall be doubled with respect to both the  
13 fine and imprisonment.”; and

14 (3) by amending paragraph (4) to read as fol-  
15 lows:

16 “(4) IMMINENT DANGER OR DEATH.—

17 “(A) Any employer who negligently violates  
18 any standard, rule, or order promulgated pursu-  
19 ant to section 6 of this Act, or of any regula-  
20 tions prescribed pursuant to this Act, and  
21 thereby negligently places an employee in immi-  
22 nent danger of death or serious bodily injury,  
23 shall be punished by a fine under title 18,  
24 United States Code, imprisonment for not more  
25 than one year, or both. If a conviction of any

1 person under this paragraph is for a violation  
2 committed after a first conviction of such per-  
3 son under this paragraph, the maximum pun-  
4 ishment shall be doubled with respect to both  
5 the fine and imprisonment.

6 “(B) Any employer who knowingly or will-  
7 fully violates any standard, rule, or order pro-  
8 mulgated pursuant to section 6 of this Act, or  
9 of any regulations prescribed pursuant to this  
10 Act, and in so doing places an employee in im-  
11 minent danger of death or serious bodily injury,  
12 shall be punished by a fine under title 18,  
13 United States Code, imprisonment for not more  
14 than 15 years, or both. Any person, other than  
15 an individual, committing such violation shall,  
16 upon conviction under this paragraph, be sub-  
17 ject to a fine of not more than \$5,000,000 for  
18 each violation. If a conviction of any person  
19 under this paragraph is for a violation com-  
20 mitted after a first conviction of such person  
21 under this paragraph, the maximum punish-  
22 ment shall be doubled with respect to both the  
23 fine and imprisonment.

24 “(C) Any employer who knowingly or will-  
25 fully violates any standard, rule, or order pro-

1 mulgated pursuant to section 6 of this Act, or  
2 of any regulations prescribed pursuant to this  
3 Act, and such violation causes the death of an  
4 employee, shall be punished by a fine under  
5 title 18, United States Code, and imprisonment  
6 for any term of years or for life. Any person,  
7 other than an individual, committing such viola-  
8 tion shall, upon conviction under this para-  
9 graph, be subject to a fine of not more than  
10 \$10,000,000 for each violation. If a conviction  
11 of any person under this paragraph is for a vio-  
12 lation committed after a first conviction of such  
13 person under this paragraph, the maximum  
14 punishment shall be doubled with respect to  
15 both the fine and imprisonment.

16 “(5) ENDANGERMENT OF YOUNG WORKERS.—  
17 The maximum punishment otherwise prescribed by  
18 paragraph 4 shall be doubled with respect to both  
19 the fine and imprisonment for each violation that  
20 puts an employee under the age of 18 in imminent  
21 danger of death or serious bodily injury or causes  
22 the death of such employee, as the case may be.”.

23 **SEC. 103. EXPANDING USE OF HOT GOODS INJUNCTIONS.**

24 Section 12(a) of the Fair Labor Standards Act (29  
25 U.S.C. 212(a)) is amended—

1 (1) by striking the first word and inserting the  
2 following:

3 “SHIPMENT OF GOODS.—

4 “(1) IN GENERAL.—No”;

5 (2) by striking “thirty” and inserting “ninety”;

6 (3) by striking the colon after “employed” and  
7 inserting a period;

8 (4) by striking “Provided, That any” and in-  
9 serting the following:

10 “(2) GOOD FAITH.—Any”;

11 (5) by striking the colon after “prohibited by  
12 this subsection” and inserting a period; and

13 (6) by striking “And provided further, That a”  
14 and inserting the following:

15 “(3) PROSECUTION AND CONVICTION.—A”.

16 **SEC. 104. ENABLING PRIVATE ENFORCEMENT.**

17 Section 16(b) of the Fair Labor Standards Act of  
18 1938 (29 U.S.C. 216(b)) is amended as follows:

19 (1) STRUCTURE AND HEADERS.—

20 (A) In the first sentence, by striking the  
21 first word and inserting the following:

22 “PRIVATE ENFORCEMENT.—

23 “(1) REMEDIES.—

24 “(A) MINIMUM WAGES AND OVERTIME.—  
25 Any”.

1 (B) In the second sentence, by striking the  
2 first word and inserting the following:

3 “(B) FAIR EMPLOYMENT PRACTICES.—  
4 Any”.

5 (C) In the third sentence, by striking the  
6 first word and inserting the following:

7 “(C) TIPS.—Any”.

8 (D) In the fourth sentence, by striking the  
9 first word and inserting the following:

10 “(2) RIGHT OF ACTION.—

11 “(A) IN GENERAL.—An”.

12 (E) In the fifth sentence, by striking the  
13 first word and inserting the following:

14 “(B) COLLECTIVE ACTION.—No”.

15 (F) In the sixth sentence, by striking the  
16 first word and inserting the following:

17 “(C) FEES AND COSTS.—The”.

18 (G) In the last sentence, by striking the  
19 first word and inserting the following:

20 “(3) ACTIONS BY THE SECRETARY.—The”.

21 (2) NEW RIGHT OF ACTION.—In paragraph (1),  
22 as amended by the previous paragraph, by adding at  
23 the end the following:

24 “(D) CHILD LABOR.—Any employer who  
25 violates section 12 shall, if any child is harmed

1 as a result of such violation, be liable to the  
2 child affected for compensatory and punitive  
3 damages.”.

4 **TITLE II—STRENGTHENING CA-**  
5 **PACITY TO PROTECT CHIL-**  
6 **DREN**

7 **SEC. 201. INCREASING EXPERTISE FOR PROTECTING CHIL-**  
8 **DREN FROM UNSAFE EMPLOYMENT AND OP-**  
9 **PRESSIVE CHILD LABOR.**

10 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—  
11 The Fair Labor Standards Act of 1938 (29 U.S.C. 204),  
12 as amended by title I of this Act, is further amended by  
13 inserting after section 4 the following new section:

14 **“SEC. 4A. ADMINISTRATION OF CHILD LABOR PROVISIONS.**

15 **“(a) NATIONAL ADVISORY COMMITTEE ON CHILD**  
16 **LABOR.—**

17 **“(1) ESTABLISHMENT.—**There is hereby estab-  
18 lished a National Advisory Committee on Child  
19 Labor, which shall advise, consult with, and make  
20 recommendations to the Secretary of Labor and the  
21 Secretary of Health and Human Services on matters  
22 relating to—

23 **“(A) oppressive child labor;**

1           “(B) preventing children, including vulner-  
2           able children, from being exposed to oppressive  
3           child labor; and

4           “(C) protecting children’s health, safety,  
5           and welfare with regard to employment.

6           “(2) MEMBERS.—

7           “(A) APPOINTMENT.—The Advisory Com-  
8           mittee shall consist of 15 members appointed by  
9           the Secretary of Labor, five of whom are to be  
10          designated in consultation with the Secretary of  
11          Health and Human Services (acting through  
12          the Director of the National Institute for Occu-  
13          pational Safety and Health), without regard to  
14          the provisions of title 5, United States Code,  
15          governing appointments in the competitive serv-  
16          ice.

17          “(B) QUALIFICATION.—The members shall  
18          be selected upon the basis of their experience  
19          and competence in the field of occupational  
20          safety and health, child welfare, labor traf-  
21          ficking, and child labor.

22          “(C) COMPOSITION.—The membership of  
23          the Advisory Committee shall consist of quali-  
24          fied persons from Federal agencies, the States,  
25          and private life, including the following:



1 “(i) one or more representatives of  
2 State agencies focused on occupational  
3 safety and health established pursuant to  
4 section 18 of the Occupational Safety and  
5 Health Act of 1970 (29 U.S.C. 667);

6 “(ii) one or more persons qualified by  
7 experience and affiliation to present the  
8 viewpoint of the employers involved, and  
9 one or more persons similarly qualified to  
10 present the viewpoint of the workers in-  
11 volved, provided that the number of per-  
12 sons presenting employer viewpoints is  
13 equal to the number of persons presenting  
14 workers’ viewpoints; and

15 “(iii) such other persons as the Sec-  
16 retary may appoint who are qualified by  
17 knowledge and experience to make a useful  
18 contribution to the work of the Advisory  
19 Committee, provided that the number of  
20 persons so appointed shall not exceed the  
21 number appointed as representatives of  
22 Federal and State agencies.

23 “(D) CONFLICTS OF INTEREST.—No mem-  
24 ber of the Advisory Committee (other than rep-  
25 resentatives of employers and employees) shall

1           have an economic interest in any proposed rule,  
2           order, or recommendation for rule or order.

3           “(E) LEADERSHIP.—The Secretary shall  
4           designate one of the public members as Chair-  
5           person.

6           “(F) COMPENSATION.—Members of the  
7           Advisory Committee appointed from private life  
8           shall be compensated in the same manner as  
9           consultants or experts under section 3109 of  
10          title 5, United States Code. The Secretary shall  
11          pay to any State which is the employer of a  
12          member of the Advisory Committee who is a  
13          representative of the occupational safety and  
14          health or child welfare agency of that State, re-  
15          imbursement sufficient to cover the actual cost  
16          to the State resulting from such representa-  
17          tive’s membership on the Advisory Committee.

18          “(G) CONTINUITY.—A member of the Ad-  
19          visory Committee who is otherwise qualified  
20          may continue to serve until a successor is ap-  
21          pointed.

22          “(3) RESOURCES.—The Secretary shall furnish  
23          to the Advisory Committee an executive secretary  
24          and such secretarial, clerical, and other services as  
25          are deemed necessary to the conduct of its business.

1           “(4) MEETINGS.—The Advisory Committee  
2       shall hold no fewer than two meetings during each  
3       calendar year. All meetings of the Advisory Com-  
4       mittee shall be open to the public and a transcript  
5       shall be kept and made available for public inspec-  
6       tion.”.

7       (b) DEFINITION.—Section 3 of the Fair Labor  
8       Standards Act of 1938 (29 U.S.C. 203) is amended by  
9       adding at the end the following new paragraph:

10       “(z) ‘Advisory Committee’ means the National Advi-  
11       sory Committee on Child Labor established under section  
12       4A(a).”.

13       **SEC. 202. SUPPORTING IMPLEMENTATION AND INTER-**  
14                               **AGENCY COLLABORATION.**

15       (a) CHILD LABOR AND SAFETY AND HEALTH  
16       FUND.—Section 4A of the Fair Labor Standards Act of  
17       1938, as added by the previous section, is further amended  
18       by adding at the end the following:

19       “(b) CHILD LABOR AND SAFETY AND HEALTH  
20       FUND.—

21               “(1) IN GENERAL.—There is established in the  
22       Treasury of the United States a fund, to be known  
23       as the ‘Child Labor and Safety and Health Fund’  
24       (referred to in this subsection as the ‘Fund’), from  
25       which amounts may be obligated and expended with-

1 out subsequent appropriation to carry out the pro-  
2 gram established under paragraph (3).

3 “(2) TRANSFERS TO FUND.—

4 “(A) AVAILABILITY.—Amounts deposited  
5 into the Fund from the sources described in  
6 subparagraph (B) shall be available without fis-  
7 cal year limitation solely for the uses described  
8 in paragraph (3).

9 “(B) SOURCES DESCRIBED.—The sources  
10 described in this paragraph are as follows:

11 “(i) Civil penalties described in sec-  
12 tion 16(e)(5).

13 “(ii) Civil penalties described in sec-  
14 tion 17(e) of the Occupational Safety and  
15 Health Act of 1970.

16 “(3) PROGRAM.—

17 “(A) IN GENERAL.—The Secretary of  
18 Labor shall create and carry out a program to  
19 conduct, or award grants or contracts to enti-  
20 ties to conduct, activities related to oppressive  
21 child labor and the occupational safety and  
22 health of employees under the age of 18 in ac-  
23 cordance with subparagraph (B).

24 “(B) USES OF FUNDS.—On request of the  
25 Secretary of Labor, the Secretary of Treasury

1           shall transfer from the Fund to the Secretary  
2           of Labor, such amounts as the Secretary of  
3           Labor determines to be necessary to implement  
4           the program established by subparagraph (A)  
5           through the following activities:

6                   “(i) Investigation, enforcement, imple-  
7                   mentation, and interagency collaboration.

8                   “(ii) Training and education of chil-  
9                   dren, employers, and teachers and other  
10                  professionals who may reasonably be an-  
11                  ticipated to identify children working in  
12                  conditions of oppressive child labor, on op-  
13                  pressive child labor, occupational safety  
14                  and health, and young employees’ rights at  
15                  work.

16                  “(iii) Research on oppressive child  
17                  labor in accordance with section 5 and the  
18                  occupational safety and health of young  
19                  employees in accordance with section 20 of  
20                  the Occupational Safety and Health Act of  
21                  1970, to be conducted directly or through  
22                  grant or contract by the Secretary of  
23                  Health and Human Services, acting  
24                  through the Director of the National Insti-  
25                  tute for Occupational Safety and Health.

1           “(4) RECORDS AND REPORTS.—The Secretary  
2       shall keep adequate records regarding amounts so  
3       deposited and used. Not later than March 1 of each  
4       year, the Secretary shall submit a report to the  
5       Committees on Appropriations, the Committee on  
6       Education and the Workforce of the House of Rep-  
7       resentatives, and the Committee on Health, Edu-  
8       cation, Labor, and Pensions of the Senate consisting  
9       of the following:

10           “(A) For the fiscal year preceding the year  
11       in which a report is required to be submitted,  
12       all funds received in the Fund, uses of such  
13       funds, and data about such uses, including the  
14       number of investigations and enforcement ac-  
15       tions brought using such funds and the out-  
16       comes of such investigations and enforcement  
17       actions, trainings delivered, and research sup-  
18       ported.

19           “(B) For the fiscal year in which a report  
20       is required to be submitted, all funds received  
21       and estimated to be received, all actual and es-  
22       timated uses of such funds, and actual and esti-  
23       mated data about such uses.”.

24       (b) RETENTION OF CHILD LABOR PENALTIES.—Sec-  
25       tion 16(e)(5) of the Fair Labor Standards Act of 1938

1 (29 U.S.C. 216(e)(5)) is amended by striking the last sen-  
2 tence and inserting “Civil penalties collected for violations  
3 of section 12 shall be deposited in the fund established  
4 by section 4A(b).”.

5 (c) RETENTION OF PENALTIES FOR YOUNG WORK-  
6 ERS’ ILLNESS AND INJURY.—Section 17(e) of the Occupa-  
7 tional Safety and Health Act of 1970 (29 U.S.C. 666(e)),  
8 as redesignated by title I of this Act, is amended further—  
9 (1) by striking the first word and inserting the  
10 following:

11 “PROCEDURE FOR PAYMENT OF CIVIL PEN-  
12 ALTIES.—

13 “(1) IN GENERAL.—Except as provided in para-  
14 graph 2, civil”; and

15 (2) by adding at the end the following:

16 “(2) PENALTIES INVOLVING YOUNG WORK-  
17 ERS.—Civil penalties enhanced pursuant to sub-  
18 section (a)(2)(A) or subsection (a)(2)(B)(ii) shall be  
19 deposited in the fund established by section 4A(b) of  
20 the Fair Labor Standards Act of 1938.”.

1 **TITLE III—UPDATING STAND-**  
2 **ARDS TO PROTECT CHILDREN**

3 **SEC. 301. IMPROVING PROCESS FOR UPDATING STAND-**  
4 **ARDS ON CONDITIONS OF OPPRESSIVE**  
5 **CHILD LABOR.**

6 (a) RULEMAKING POLICIES.—

7 (1) PERMITTED WORK.—

8 (A) IN GENERAL.—Section 12 of the Fair  
9 Labor Standards Act of 1938 (29 U.S.C. 212)  
10 is amended by adding at the end the following:  
11 “(e) CHILDREN’S WELFARE.—”.

12 (B) TRANSFER AMENDMENT.—The last  
13 sentence of section 3(l) of the Fair Labor  
14 Standards Act of 1938 (29 U.S.C. 203(l)) is—

15 (i) transferred to subsection (e) of  
16 section 12 of such Act (29 U.S.C. 212);  
17 and

18 (ii) inserted so as to appear after the  
19 subsection heading of such section 12.

20 (2) HAZARDOUS OCCUPATIONS.—Section 12 of  
21 the Fair Labor Standards Act of 1938 (29 U.S.C.  
22 212) is further amended by adding at the end the  
23 following:

24 “(f) HAZARDOUS OCCUPATIONS.—



1           “(1) PERIODIC REVIEW.—The Secretary shall  
2           periodically review the hazardous occupation orders  
3           promulgated by the Secretary to determine if, to  
4           more adequately protect children from oppressive  
5           child labor, a new hazardous occupation order should  
6           be promulgated, or an update to an existing such  
7           order should be promulgated.

8           “(2) CONSIDERATIONS.—In determining the  
9           need for promulgating a new hazardous occupation  
10          order or promulgating an update to an existing such  
11          order, the Secretary shall—

12               “(A) place preeminent value on assuring  
13               the safety, health, and well-being of children;

14               “(B) take into consideration the vulner-  
15               able, formative, and malleable nature of child-  
16               hood and adolescence, which requires a higher  
17               standard of protection for children than that  
18               accorded to adults;

19               “(C) adopt any reasonable precautionary  
20               assumptions necessary to prevent children from  
21               being exposed in the workplace to hazards that  
22               may reasonably be anticipated to cause serious  
23               illness or injury, disability, premature mortality,  
24               or long-term health effects (including exposure  
25               to any substance which is known or may rea-

1 sonably be anticipated to be carcinogenic, muta-  
2 genic, teratogenic, neurotoxic, reprotoxic, or  
3 asthmagenic); and

4 “(D) take into consideration any—

5 “(i) recommendations provided under  
6 paragraph (3) of this section by the Advi-  
7 sory Committee or the Secretary of Health  
8 and Human Services provided under para-  
9 graph (3) of this subsection; and

10 “(ii) any information provided under  
11 subsection (g).

12 “(3) RECOMMENDATIONS FOR ORDERS.—

13 “(A) ADVISORY COMMITTEE.—

14 “(i) IN GENERAL.—In a case in which  
15 the Secretary determines that expert ad-  
16 vice is needed to aid the Secretary’s deci-  
17 sion whether to promulgate a new haz-  
18 ardous occupation order (or an update to  
19 such an existing order), the Secretary—

20 “(I) may request the Advisory  
21 Committee to submit its recommenda-  
22 tions to the Secretary relating to the  
23 proposed or existing order; and

24 “(II) in a case in which the Sec-  
25 retary requests recommendations pur-

1                   suant to subclause (I), shall provide  
2                   the Advisory Committee with—

3                   “(aa) any proposals devel-  
4                   oped by the Secretary or by the  
5                   Secretary of Health and Human  
6                   Services relating to the proposed  
7                   or existing order with respect to  
8                   which the Secretary is requesting  
9                   recommendations; and

10                  “(bb) all pertinent factual  
11                  information developed by the Sec-  
12                  retary or the Secretary of Health  
13                  and Human Services, including  
14                  any applicable information pro-  
15                  vided under subparagraph (B) or  
16                  otherwise available.

17                  “(ii) SUBMISSION OF RECOMMENDA-  
18                  TIONS.—

19                  “(I) IN GENERAL.—Subject to  
20                  subclause (II), the Advisory Com-  
21                  mittee shall submit to the Secretary  
22                  its recommendations relating to an ex-  
23                  isting or proposed order not later than  
24                  90 days after the date of the Commit-

1                   tee's receipt of such request from the  
2                   Secretary relating to such order.

3                   “(II) EXCEPTIONS.—The Sec-  
4                   retary may prescribe a period for the  
5                   submission of recommendations by the  
6                   Advisory Committee under subclause  
7                   (I) relating to an existing or proposed  
8                   order that is longer or shorter than  
9                   the 90-day period referred to in sub-  
10                  clause (I), except that such period  
11                  may not exceed 180 days after the  
12                  date of the Committee's receipt of the  
13                  request for recommendations relating  
14                  to such order.

15                  “(iii) RECEIPT OF RECOMMENDA-  
16                  TIONS.—In the case in which the Advisory  
17                  Committee recommends the promulgation  
18                  of a new order (or an update to an existing  
19                  order), the Secretary shall, not later than  
20                  90 days after submission of such rec-  
21                  ommendation by the Advisory Committee  
22                  or the expiration of the period prescribed  
23                  by the Secretary for such submission—

24                  “(I) promulgate pursuant to  
25                  paragraph (4) such order (or update)

1 in a manner consistent with such rec-  
2 ommendations; or

3 “(II) publish such recommenda-  
4 tions in the Federal Register along  
5 with a detailed and substantive state-  
6 ment of the Secretary’s reasons for  
7 not promulgating the new order or  
8 update.

9 “(B) NIOSH CRITERIA.—In a case in  
10 which the Secretary of Health and Human  
11 Services (acting through the Director of the  
12 National Institute for Occupational Safety and  
13 Health) recommends (accompanied by appro-  
14 priate criteria) the promulgation of a new haz-  
15 ardous occupation order (or an update to an ex-  
16 isting such order) by the Secretary of Labor,  
17 the Secretary of Labor shall, not later than 180  
18 days after receiving such recommendation—

19 “(i) refer such recommendation to the  
20 Advisory Committee pursuant to para-  
21 graph (3) and carry out applicable require-  
22 ments of such paragraph;

23 “(ii) promulgate pursuant to para-  
24 graph (4) such order (or update) in a man-

1           ner consistent with the recommendation  
2           provided under this subparagraph; or

3           “(iii) publish such recommendation in  
4           the Federal Register along with a detailed  
5           and substantive statement of the Sec-  
6           retary’s reasons for not promulgating the  
7           new order (or update).

8           “(4) PROCEDURES.—

9           “(A) IN GENERAL.—The Secretary shall,  
10          when acting on the Secretary’s own initiative or  
11          in response to a recommendation by the Advi-  
12          sory Committee or Secretary of Health and  
13          Human Services, promulgate any hazardous oc-  
14          cupation order (including an update to an exist-  
15          ing such order) in accordance with this para-  
16          graph and in accordance with section 553 of  
17          title 5, United States Code (without regard to  
18          any reference in such section to sections 556  
19          and 557 of such title).

20          “(B) COMMENT.—When publishing a pro-  
21          posed order pursuant to this paragraph, the  
22          Secretary shall afford interested persons a pe-  
23          riod of 60 days after such publication to submit  
24          written data or comments on the order. Such  
25          comment period may be extended by the Sec-

1           retary for good cause but in any event shall last  
2           no more than 120 days.

3           “(C) TRANSPARENCY.—For any rule-  
4           making notice pursuant to this paragraph, the  
5           Secretary shall place in the public record not  
6           later than the date of such rulemaking notice  
7           the following:

8           “(i) The drafts of such rulemakings  
9           prepared before publication and submitted  
10          by the Secretary to the Office of Manage-  
11          ment and Budget for any interagency re-  
12          view process prior to publication.

13          “(ii) A summary of the substance of  
14          any changes between the text of the draft  
15          rulemaking that the agency provided to the  
16          Office of Management and Budget under  
17          section 6(a)(3)(B)(i) of Executive Order  
18          12,866 and the text published in the Fed-  
19          eral Register, excluding any non-sub-  
20          stantive changes such as spelling or gram-  
21          matical corrections or re-ordering of text  
22          that has no legal effect.

23          “(iii) A statement identifying any  
24          party or entity at whose request any such  
25          change was made.

1           “(5) EFFECT.—A hazardous occupation order  
2           or any update to such an order shall become effective upon promulgation, except that the Secretary  
3           may include a reasonable delay in the effective date.

4           “(g) AUTHORITATIVE EXPERTISE.—When promulgating any order pursuant to this section, the Secretary  
5           may adopt, rely on, or presume to be the best available  
6           evidence of children’s health, safety, and well-being or conditions of work particularly hazardous to children, any recommendation, finding, assessment, or research by the National  
7           Institute for Occupational Safety and Health, the  
8           National Academies of Science, Engineering, and Medicine, the National Toxicology Program, the Integrated  
9           Risk Information System of the Environmental Protection  
10          Agency, or the International Agency for Research on Cancer.  
11          cer.

12          “(h) HAZARDOUS OCCUPATION ORDER DEFINED.—  
13          In this section, the term ‘hazardous occupation order’  
14          means any rule, regulation, or order promulgated pursuant to subsection (f)(4) by the Secretary that deems one  
15          or more occupations or working conditions as oppressive  
16          child labor due to the determination by the Secretary that  
17          such occupations or working conditions are particularly  
18          hazardous for the employment of children of certain ages  
19          or detrimental to the health and well-being of children.”.



1           (3) PREVENTING ROLLBACKS OF CHILD LABOR  
2           STANDARDS.—Section 12 of the Fair Labor Stand-  
3           ards Act of 1938 (29 U.S.C. 212) is further amend-  
4           ed further by adding at the end the following:

5           “(i) MAINTAINING PROTECTION.—No order, rule, or  
6           regulation promulgated pursuant to subsections (e) or (f)  
7           shall reduce the protection afforded children by an existing  
8           order, rule, or regulation promulgated under this Act.”.

9           **SEC. 302. JUDICIAL REVIEW OF RULEMAKING.**

10          Section 10 of the Fair Labor Standards Act of 1938  
11          (29 U.S.C. 210) is amended to read as follows:

12          **“SEC. 10. JUDICIAL REVIEW.**

13          “(a) FILING OF PETITION.—Any person who may be  
14          adversely affected by an order, rule, or regulation pursu-  
15          ant to this Act may file a petition for review of such order,  
16          rule, or regulation with the United States court of appeals  
17          for the circuit where such person resides, where the prin-  
18          cipal place of business of such person is located, or in the  
19          United States Court of Appeals for the District of Colum-  
20          bia. The filing of a petition for review of any order, rule,  
21          or regulation under this section shall not operate as a stay  
22          of such order, rule, or regulation.

23          “(b) TIMELY FILING.—Any petition for review under  
24          this section shall be filed not later than sixty days after  
25          the date on which there is notice of the rulemaking with

1 respect to such order, rule, or regulation in the Federal  
2 Register.

3 “(c) NOT SUBJECT TO SUBSEQUENT REVIEW.—Ac-  
4 tion of the Secretary with respect to which review could  
5 have been obtained under this section shall not be subject  
6 to judicial review in civil or criminal proceedings for en-  
7 forcement.”.

8 **TITLE IV—INCREASING RE-**  
9 **SEARCH AND PUBLIC EDU-**  
10 **CATION**

11 **SEC. 401. COORDINATING RESEARCH ON CHILD LABOR.**

12 (a) RESEARCH AND RELATED ACTIVITIES.—

13 (1) IN GENERAL.—The Fair Labor Standards  
14 Act of 1938 (29 U.S.C. 201 et seq.) is amended by  
15 inserting after section 4 (29 U.S.C. 204) the fol-  
16 lowing:

17 **“SEC. 5. RESEARCH AND RELATED ACTIVITIES.”;**

18 (2) SPECIAL EXEMPTIONS RELATING TO CHILD  
19 LABOR.—Paragraph (2) of section 4(d) of such Act  
20 is—

21 (A) transferred to section 5 of such Act;

22 (B) inserted so as to appear after the sec-  
23 tion heading;

24 (C) redesignated as subsection (a) of such  
25 section 5; and

1 (D) amended—

2 (i) by striking the first word and in-  
3 serting “PERIODIC REVIEW OF EXEMP-  
4 TIONS.—The”; and

5 (ii) by striking “January 1, 1976”  
6 and inserting “five years after the effective  
7 date of the Protecting Children Act and  
8 shall update such studies and such report  
9 every ten years thereafter”; and

10 (3) STUDIES ON PREVENTING CURTAILMENT OF  
11 EMPLOYMENT OPPORTUNITIES FOR MANPOWER  
12 GROUPS.—Paragraph (3) of section 4(d) of such Act  
13 is—

14 (A) transferred to section 5 of such Act;

15 (B) inserted so as to appear after sub-  
16 section (a) of such section 5, as amended by  
17 paragraph (2);

18 (C) redesignated as subsection (b) of such  
19 section 5; and

20 (D) amended by striking the first word  
21 and inserting “EMPLOYMENT OPPORTUNITY.—  
22 The”.

23 (4) CONFORMING AMENDMENT.—Subsection (d)  
24 of section 4 of such Act is further amended—

1 (A) by striking “(d)(1) The Secretary shall  
2 submit” and inserting the following:

3 “(d) BIENNIAL REPORT.—The Secretary shall sub-  
4 mit”.

5 (b) NATIONAL RESEARCH AGENDA ON CHILD  
6 LABOR.—Section 5 of the Fair Labor Standards Act of  
7 1938 is further amended by adding at the end the fol-  
8 lowing:

9 “(c) NATIONAL RESEARCH AGENDA ON CHILD  
10 LABOR.—

11 “(1) IN GENERAL.—The Secretary of Health  
12 and Human Services (acting through the Director of  
13 the National Institute for Occupational Safety and  
14 Health), after consultation with the Secretary of  
15 Labor and with other appropriate Federal depart-  
16 ments or agencies, shall conduct (directly or by  
17 grants or contracts) research, experiments, and dem-  
18 onstrations relating to oppressive child labor, the oc-  
19 cupational safety and health of young workers, and  
20 the exposure or risk of such exposure of vulnerable  
21 children to oppressive child labor, including innova-  
22 tive methods, techniques, and approaches for pre-  
23 venting oppressive child labor, research relevant to  
24 strategic enforcement of the child labor provisions of  
25 this Act, surveillance of occupational illnesses and

1 injuries for young workers, and identification of con-  
2 ditions of work that are particularly hazardous to  
3 children or harmful to their health and well-being.

4 “(2) TRACKING WORK-RELATED INJURY AND  
5 ILLNESS.—The Secretary of Health and Human  
6 Services shall, in coordination with the Secretary of  
7 Labor, develop a comprehensive plan for monitoring  
8 work-related illnesses and injuries sustained by em-  
9 ployees under the age of 18 and for monitoring the  
10 hazards to which such employees are exposed. Such  
11 plan shall include the following:

12 “(A) EVALUATION.—Not later than two  
13 years after the date of enactment of the Pro-  
14 tecting Children Act and from time to time  
15 thereafter, the Secretary of Health and Human  
16 Services shall evaluate whether existing data  
17 collections capture and generate sufficient rep-  
18 resentative data on work-related illnesses and  
19 injuries sustained by employees under the age  
20 of 18.

21 “(B) LEADERSHIP.—The Secretary of  
22 Health and Human Services shall coordinate  
23 other Federal departments or agencies and, to  
24 the extent feasible, State agencies with data col-  
25 lection or research programs to enhance data

1 collection and research on work-related illnesses  
2 and injuries sustained by employees under the  
3 age of 18. The Secretary of Health and Human  
4 Services shall advise the Secretary of Labor on  
5 the effective design and implementation of rel-  
6 evant elements of the statistical program of the  
7 Secretary pursuant to this Act and section 24  
8 of the Occupational Safety and Health Act of  
9 1970 (29 U.S.C. 673).

10 “(C) SUPPLEMENTAL RESEARCH.—The  
11 Secretary of Health and Human Services shall  
12 identify and from time to time undertake such  
13 additional research as the Secretary of Health  
14 and Human Services determines is necessary to  
15 supplement existing data collections, close  
16 knowledge gaps, and improve information about  
17 the work-related illnesses and injuries sustained  
18 by employees under the age of 18.

19 “(3) HAZARDOUS OCCUPATIONS.—The Sec-  
20 retary of Health and Human Services shall from  
21 time to time consult with the Secretary of Labor in  
22 order to develop specific plans for such research,  
23 demonstrations, and experiments as are necessary to  
24 produce criteria enabling the Secretary to meet the  
25 Secretary’s responsibility for the formulation of haz-

1       ardous occupation orders under section 12. The Sec-  
2       retary of Health and Human Services shall, on the  
3       basis of such research, demonstrations, experiments,  
4       and any other information available, develop and  
5       publish at least annually such criteria as will effec-  
6       tuate the purposes of this Act. The Secretary of  
7       Health and Human Services shall submit to the Sec-  
8       retary all pertinent criteria regarding any such occu-  
9       pations or conditions or work as such criteria are de-  
10      veloped.

11           “(4) PRECAUTIONARY GUIDANCE.—The Sec-  
12      retary of Health and Human Services shall, on the  
13      basis of research, demonstrations, and experiments,  
14      and any other information available to the Secretary  
15      of Health and Human Services, develop criteria or  
16      models to aid the Secretary in identifying conditions  
17      of oppressive child labor in the absence of substan-  
18      tial data about occupational risks specific to chil-  
19      dren.

20           “(5) IMPLEMENTATION SUPPORT.—The Sec-  
21      retary of Health and Human Services shall, in con-  
22      sultation with the Secretary of Labor, undertake re-  
23      search relevant to developing evidence-based guid-  
24      ance for the Secretary of Labor on the implementa-  
25      tion of this Act, including topics such as strategic

1 enforcement, effective training of employees under  
2 age 18, deterrence, and assessment of the economic  
3 benefit of noncompliance.

4 “(6) RISK OF EXPOSURE TO OPPRESSIVE CHILD  
5 LABOR.—The Secretary of Health and Human Serv-  
6 ices shall from time to time, acting through the Di-  
7 rector of the National Institute for Occupational  
8 Safety and Health, consult with the leadership of  
9 relevant Federal and State agencies and programs  
10 responsible for the welfare, placement, or custody of  
11 children, in order to develop specific plans for such  
12 research, demonstrations, and experiments as are  
13 necessary to produce precautionary and evidence-  
14 based guidance enabling the Secretary of Health and  
15 Human Services and such other leaders to prevent  
16 children from suffering conditions of oppressive child  
17 labor or being exposed to the risk of oppressive child  
18 labor.

19 “(7) AUTHORITY.—In furtherance of the pur-  
20 poses of this subsection, the Secretary of Health and  
21 Human Services shall have the same authority as  
22 available to the Secretary of Health and Human  
23 Services pursuant to sections 20, 21, and 22 of the  
24 Occupational Safety and Health Act of 1970 (29  
25 U.S.C. 669–671).”.



1 (c) OSH ACT.—Section 20(a) of the Occupational  
2 Safety and Health Act of 1970 (29 U.S.C. 669(a)) is  
3 amended—

4 (1) in paragraph (3), by striking “his work ex-  
5 perience” and inserting “such employee’s work expe-  
6 rience and exposures of particular concern to the de-  
7 velopment of employees under the age of 18”; and

8 (2) in paragraph (7)—

9 (A) by striking “aging adults” and insert-  
10 ing “aging adults and employees under the age  
11 of 18”; and

12 (B) by adding at the end the following:

13 “(8) MODEL.—

14 “(A) IN GENERAL.—Not later than the  
15 date that is one year after the date enactment  
16 of the Protecting Children Act, the Secretary of  
17 Health and Human Services shall develop a  
18 model for estimating the total incidence and  
19 economic burden of fatal and nonfatal occupa-  
20 tional injury and illness in the United States  
21 that—

22 “(i) adjusts for known underreporting  
23 of occupational injury and illness;

24 “(ii) estimates the incidence or preva-  
25 lence of occupational injuries and illnesses

1 from public health data through attrib-  
2 utable risk proportions or other standard  
3 methodologies, and

4 “(iii) estimates both medical and indi-  
5 rect costs, such as lost earnings, benefits,  
6 and home production.

7 “(B) ANNUAL REPORT.—The Secretary of  
8 Health and Human Services shall publish an  
9 annual report using the model developed under  
10 subparagraph (A) that includes—

11 “(i) estimates of the total incidence  
12 and economic burden of occupational ill-  
13 ness and injury;

14 “(ii) the proportion of the total eco-  
15 nomic burden not absorbed by workers’  
16 compensation insurance and shifted onto  
17 Federal programs (such as the Medicare  
18 program under title XVIII of the Social  
19 Security Act, the Medicaid program under  
20 title XIX of the Social Security Act (42  
21 U.S.C. 1396 et seq.), and disability insur-  
22 ance benefits under section 223 of the So-  
23 cial Security Act (42 U.S.C. 423)); and

24 “(iii) the incidence of occupational ill-  
25 ness and injury by employees under the

1 age of 18, disaggregated, to the extent fea-  
2 sible, by the age groups, occupational cat-  
3 egories, and school statuses that are rel-  
4 evant to the administration, investigation,  
5 or enforcement of the requirements relat-  
6 ing to child labor under sections 12 or  
7 13(c) of the Fair Labor Standards Act of  
8 1938.”.

9 **SEC. 402. DEVELOPING A COMPREHENSIVE STATISTICAL**  
10 **PROGRAM.**

11 (a) FLSA.—Section 5 of the Fair Labor Standards  
12 Act of 1938 is further amended by adding at the end the  
13 following:

14 “(d) STATISTICAL PROGRAMS.—

15 “(1) IN GENERAL.—In order to further the pur-  
16 poses of this Act, the Secretary shall develop and  
17 maintain an effective program of collection, compila-  
18 tion, and analysis of statistics on employment prac-  
19 tices with respect to wages, hours, child labor, and  
20 other matters of concern for this Act, including such  
21 employment practices that may constitute violations  
22 of this Act. Such statistical program shall, to the ex-  
23 tent feasible, include demographic information about  
24 employees subject to violations under this Act and  
25 facilitate comparisons of information in such statis-

1       tical program and in the statistical program estab-  
2       lished pursuant to section 24 of the Occupational  
3       Safety and Health Act of 1970 (29 U.S.C. 673).

4           “(2) AUTHORITY.—To carry out the Secretary’s  
5       duties under this subsection, the Secretary may ex-  
6       ercise the same authority available to the Secretary  
7       under section 24 of the Occupational Safety and  
8       Health Act of 1970 (29 U.S.C. 673).

9           “(3) CHILD LABOR.—

10           “(A) ANNUAL REPORT.—The Secretary  
11       shall, not less frequently than annually, publish  
12       a report of statistical data covering—

13           “(i) the employment of children under  
14       the age of 18, including the numbers of  
15       such children and the hours worked, the  
16       demographics of such children, in total and  
17       disaggregated by the age groups, school  
18       statuses, and occupational categories that  
19       are relevant to the administration, inves-  
20       tigation, or enforcement of the require-  
21       ments relating to child labor under sections  
22       12 or 13(c) of the Fair Labor Standards  
23       Act of 1938;

24           “(ii) the incidence and prevalence of  
25       oppressive child labor, including the num-

1           ber and demographics of children affected,  
2           the industries and occupations in which op-  
3           pressive child labor occurred, and the types  
4           of child labor violations, based on enforce-  
5           ment data and, to the extent feasible and  
6           in consultation with the Secretary of  
7           Health and Human Services, such other  
8           data as may be useful to account for  
9           underreporting and limitations of enforce-  
10          ment data in capturing the full incidence  
11          and prevalence of oppressive child labor;  
12          and

13               “(iii) to the extent feasible, estimates  
14               of the data described in clauses (i) and (ii)  
15               at the State level.

16               “(B) DATA COLLECTION.—The Secretary  
17               shall periodically develop targeted surveys or  
18               other data collections relevant to determining  
19               the experience of oppressive child labor by par-  
20               ticularly vulnerable populations, including mi-  
21               grant children and children in poverty.

22               “(C) COORDINATION.—The Secretary shall  
23               coordinate statistical programs across the Fed-  
24               eral government that collect data related to  
25               children to ensure that such programs, to the

1 extent practicable, shall collect and report data  
2 on the employment of children, oppressive child  
3 labor, and young workers' occupational illness  
4 and injury in standardized and compatible  
5 terms.”.

6 (b) OSH.—Section 24(a) of the Occupational Safety  
7 and Health Act of 1970 (29 U.S.C. 673(a)) is amended  
8 by adding at the end “The Secretary shall report such sta-  
9 tistics on an annual basis. Such annual report shall in-  
10 clude the analysis of occupational illnesses, injuries, and  
11 fatalities disaggregated (1) by relevant demographics, and  
12 (2) by the age groups that are relevant to the administra-  
13 tion, investigation, or enforcement of the requirements re-  
14 lating to child labor under sections 12 or 13(c) of the Fair  
15 Labor Standards Act of 1938, across country of origin,  
16 race, and ethnicity.”.

17 **SEC. 403. ENABLING TRAINING AND PUBLIC ENGAGEMENT.**

18 (a) FLSA.—The Fair Labor Standards Act of 1938  
19 (29 U.S.C. 201 et seq.) is amended by inserting after sec-  
20 tion 18D (29 U.S.C. 218d) the following:

21 **“SEC. 18E. PUBLIC INFORMATION INITIATIVES.**

22 “(a) TRAINING AND ENGAGEMENT.—The Secretary  
23 shall, directly or by grants or contracts, provide for the  
24 establishment and supervision of programs for—

1           “(1) the education and training of employers  
2           and employees in the recognition, avoidance, and  
3           prevention of violations of this Act;

4           “(2) the education and training of professionals  
5           involved in the placement, education, or delivery of  
6           other services to children on identifying and re-  
7           sponding to oppressive child labor and incorporating  
8           into their activities knowledge about risk factors for  
9           exposing children to oppressive child labor; and

10          “(3) identification of potential violations of this  
11          Act and support for victims of such violations.

12          “(b) CHILD LABOR REPORT.—The Secretary shall  
13          publish an annual report on oppressive child labor and the  
14          employment of children. Such report, which may at the  
15          Secretary’s discretion be consolidated with any other re-  
16          port about the activities of the Secretary related to chil-  
17          dren and employment, shall include—

18               “(1) a report of the Secretary’s activities during  
19               the preceding year implementing the provisions of  
20               this Act related to child labor, including the number  
21               of directed investigations;

22               “(2) trends or other relevant analysis of youth  
23               employment, oppressive child labor, and the Sec-  
24               retary’s enforcement activities; and

1           “(3) an evaluation and appraisal of the protec-  
2           tions against oppressive child labor established by  
3           this Act, together with the Secretary’s recommenda-  
4           tions to the Congress.

5           “(c) ENFORCEMENT DISCLOSURE.—The Secretary  
6           shall publish, not later than March 1 of each year, an an-  
7           nual statement of the capacity available to the Secretary  
8           to enforce this Act, which shall include—

9           “(1) the size of the inspectorate available in the  
10          preceding fiscal year to investigate and conduct en-  
11          forcement activities pursuant to this Act;

12          “(2) the number of establishments and employ-  
13          ees subject to the jurisdiction of this Act;

14          “(3) the ratio of inspectors to establishments  
15          and the ratio of inspectors to employees;

16          “(4) historical trends in such ratios, including  
17          a comparison of the most recent fiscal year to the  
18          years of the lowest such ratios; and

19          “(5) illustrative metrics of enforcement capac-  
20          ity, including the number of years necessary for the  
21          inspectorate (based on the size of the inspectorate  
22          described in paragraph (1)) to inspect every work-  
23          place in the Secretary’s jurisdiction under this Act  
24          at least once.”.

25          (b) OSHA.—



1           (1) ANNUAL REPORTS.—Section 20(d) of the  
2       Occupational Safety and Health Act (29 U.S.C.  
3       669(d)) is amended—

4           (A) by striking the first word and inserting  
5       the following:

6       “PUBLIC INFORMATION INITIATIVES.—

7           “(1) IN GENERAL.—Information”; and

8           (B) by adding at the end the following:

9           “(2) YOUNG WORKERS.—The Secretary shall  
10      produce an annual report of occupational illness and  
11      injury specific to employees under the age of 18.  
12      Such report, which may at the Secretary’s discretion  
13      be consolidated with any other report about the ac-  
14      tivities of the Secretary related to children and em-  
15      ployment, shall include—

16           “(A) complaints and enforcement activities  
17      during the preceding year involving employees  
18      under the age of 18;

19           “(B) statistics about occupational illness,  
20      injury, and fatality suffered by such employees,  
21      including the distribution by age group of such  
22      illness, injury, and fatality across demographic  
23      factors such as country of origin, race, and eth-  
24      nicity;

1           “(C) reasonable estimates, informed by re-  
2           search and in consultation with the Secretary of  
3           Health and Human Services, of the incidence  
4           and prevalence of occupational injury, illness,  
5           and fatality for such employees, accounting for  
6           such factors as underreporting and illness la-  
7           tency, and including occupational illness likely  
8           to manifest after childhood because of exposure  
9           to a toxic substance or harmful physical agent  
10          during childhood employment;

11          “(D) trends or other relevant analysis of  
12          the matters described in the preceding subpara-  
13          graphs; and

14          “(E) an evaluation and appraisal of the  
15          protections against occupational illness, injury,  
16          and fatality provided to such employees estab-  
17          lished by this Act, together with the Secretary’s  
18          recommendations to the Congress.

19          “(3) ENFORCEMENT DISCLOSURE.—The Sec-  
20          retary shall publish, not later than March 1 of each  
21          year, an annual statement of the capacity available  
22          to the Secretary to enforce this Act, including the  
23          following:

24                 “(A) the size of the inspectorate available  
25                 in the preceding fiscal year to investigate and

1           conduct enforcement activities pursuant to this  
2           Act;

3           “(B) the number of establishments and  
4           employees subject to the jurisdiction of this Act;

5           “(C) the ratio of inspectors to establish-  
6           ments and the ratio of inspectors to employees;

7           “(D) historical trends in such ratios, in-  
8           cluding a comparison of the most recent fiscal  
9           year to the years of the lowest such ratios;

10          “(E) to the extent feasible, such ratios for  
11          the State plans; and

12          “(F) illustrative metrics of enforcement ca-  
13          pacity, including the number of years necessary  
14          for the inspectorate (based on the size of the  
15          inspectorate described in paragraph (1)) to in-  
16          spect every workplace in the Secretary’s juris-  
17          diction under this Act at least once.”.

18          (2) TRAINING AND EMPLOYEE EDUCATION.—

19          Section 21 of the Occupational Safety and Health  
20          Act of 1970 (29 U.S.C. 670) is amended by adding  
21          at the end the following:

22          “(e) EFFECTIVE TRAINING PEDAGOGY.—The Sec-  
23          retary of Health and Human Services shall, directly or by  
24          grant or contract, periodically undertake research, dem-  
25          onstrations, experiments, and surveys relevant to the ef-

- 1 fective design and delivery of safety and health training,
- 2 education, and information targeted to employees under
- 3 the age of 18 and employers of such employees.”.